

REMARKS

Claims 3 and 5-19 are pending in the present application.

Applicants wish to thank Examiner Spiegler for the indication that the elected invention is free of the art of record (Office Action dated June 17, 2004, page 7, paragraph 8). Reconsideration of the outstanding rejections is requested in view of the amendments and remarks set forth herein.

The objection to the specification as referring to specific claims is obviated by the amendment herein. Applicants have amended the specification to remove the objectionable reference to the claims and have inserted therefor the term "embodiment." In view of the present amendment, Applicants request withdrawal of this ground of objection.

The rejection of Claims 3 and 5-7 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Applicants have amended the claimed invention to improve the overall clarity in the claims, as well as to specifically address the Examiner's criticisms. Therefore, this ground of rejection is believed to be no longer tenable.

Withdrawal of this ground of rejection is requested.

The Examiner has indicated that reference AO (JP 2650159) cited on the Information Disclosure Statement filed on May 2, 2002 has not been considered since no statement of relevancy has been provided. Applicants disagree, noting that the Form PTO-1449 filed on May 2, 2002 (**copy enclosed**), specifically notes that this reference corresponds to U.S.

5,409,818, which was also cited and considered by the Examiner. This notation *is* a statement of relevancy and, therefore, it is requested that the Examiner acknowledge consideration of JP 2650159 by providing Applicants with an initialed copy of the enclosed Form PTO-1449.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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SHEET 1 OF 1

Form PTO 1449  
(Modified)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

## LIST OF REFERENCES CITED BY APPLICANT

ATTY DOCKET NO.  
218203US0SERIAL NO.  
10/046,313

## APPLICANT

Akihiro YOKOYAMA, et al.

## FILING DATE

January 16, 2002

## GROUP

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	5,409,818	04/25/95	C. DAVEY, et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO
	AO	2650159	09/03/97	JAPAN (with corr. US 5,409,818)		X
	AP	0 373 960	06/20/90	EUROPE		
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

AW	T. ISHIGURO, et al., Nucleic Acids Research, Vol. 24, No. 24, pgs. 4992-4997, "FLUORESCENCE DETECTION OF SPECIFIC SEQUENCE OF NUCLEIC ACIDS BY OXAZOLE YELLOW-LINKED OLIGONUCLEOTIDES. HOMOGENEOUS QUANTITATIVE MONITORING OF IN VITRO TRANSCRIPTION", July 30, 1996
AX	J.E. GALAN, et al., Journal of Bacteriology, Vol. 174, No. 13, pgs. 4338-4349, "MOLECULAR AND FUNCTIONAL CHARACTERIZATION OF THE SALMONELLA INVASION GENE <i>invA</i> : HOMOLOGY OF InvA TO MEMBERS OF A NEW PROTEIN FAMILY", February 10, 1992
AY	
AZ	

Examiner

Date Considered

\*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.